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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

TPOV ENTERPRISES 16, LLC, a Delaware
Limited Liability Company,

Plaintiff,

vs.

PARIS LAS VEGAS OPERATING
COMPANY, LLC, a Nevada limited liability
company,

Defendant.

PARIS LAS VEGAS OPERATING
COMPANY, LLC, a Nevada limited liability
company,

Counterclaimant.

vs.

TPOV ENTERPRISES, LLC, a Delaware
Limited Liability Company, TPOV
ENTERPRISES 16, LLC, a Delaware Limited
Liability Company, Rowen Siebel, an
individual.

Counter-defendants.

CASE NO. 2:17-cv-00346-JCM-VCF

**STIPULATION AND ORDER
REGARDING HEARING ON MOTION TO
STAY AND TO MODIFY MOTION FOR
SUMMARY JUDGMENT SCHEDULE**

(FOURTH REQUEST)

Pursuant to LR IA 6-1, Plaintiff/Counterdefendant TPOV Enterprises 16, LLC ("TPOV 16");
Counterdefendant TPOV Enterprises, LLC ("TPOV"); Counterdefendant Rowen Seibel ("Seibel")
(collectively, "Seibel and the TPOV Entities"); and Defendant/Counterclaimant Paris Las Vegas

1 Operating Company, LLC ("Paris") (collectively, the "Parties"), by and through their undersigned
2 counsel of record, stipulate and agree as follows:

3 1. On March 12, 2021, Plaintiff/Counterdefendants filed a Motion for Summary
4 Judgment on Paris' Counterclaims. (ECF Nos. 269, 272.)

5 2. On March 12, 2021, Paris filed a Motion for Summary Judgment on all of TPOV 16's
6 claims and Paris' counterclaims. (ECF Nos. 270-271.)

7 3. Good cause exists to extend the briefing schedule on the motions for summary
8 judgment. In the case *Seibel v. PHWL V, LLC*, Case No. A-17-751759-B (the "State Court Matter"),
9 currently pending before the Eighth Judicial District Court of the State of Nevada, County of Clark
10 ("State Court"), the State Court granted Paris and its affiliates' Motion to Compel Documents
11 Withheld on the Basis of the Attorney-Client Privilege Pursuant to the Crime-Fraud Exception.
12 (ECF No. 303-1.)

13 4. Pursuant to an agreement between the Parties, discovery propounded in the State
14 Court Matter can be used in this matter and discovery propounded in this matter can be used in the
15 State Court Matter. Seibel and the TPOV Entities have indicated they intend to seek review (through
16 a writ petition to the Nevada Supreme Court) of the State Court's ruling and a stay of enforcement
17 of the order, pending the outcome of their writ.

18 5. Without waiver of any arguments or rights, the Parties discussed whether the
19 remaining briefing of the summary judgment motions in this matter should be stayed until either
20 Seibel and the TPOV Entities produce the documents ordered compelled by the State Court or until
21 resolution of their anticipated writ.

22 6. While the Parties did not reach an agreement as to any potential stay, they agreed to
23 present the issue to this Court for resolution and continue the deadlines to file responses to motions
24 for summary judgment and replies thereto to allow this Court time to consider and rule upon a motion
25 to stay to be filed by Paris. (ECF No. 298.)

26 7. On June 11, 2021, Paris filed its Motion to Stay Pending Production of Documents
27 Pursuant to Crime-Fraud Exception (the "Motion to Stay"). (ECF No. 305.)
28

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1 8. On June 25, 2021, Seibel and the TPOV Entities filed their Response to the Motion
2 to Stay. (ECF No. 307.)

3 9. On July 2, 2021, Paris filed its Reply in Support of the Motion to Stay. (ECF No.
4 311.)

5 10. The Parties have agreed and respectfully request that, if the Court intends to entertain
6 oral argument on the Motion to Stay, that the Court set a hearing on or before August 23, 2021, or
7 as soon thereafter as this Court's schedule permits.

8 11. Additionally, the Parties have agreed to extend the deadline to respond to motions for
9 summary judgment. This is the fourth request to modify the deadline to respond to motions for
10 summary judgment.

11 12. On April 8, 2021, the Parties stipulated to extend the deadline to respond to the
12 respective motions for summary judgment to April 30, 2021, and to extend the deadline to file reply
13 briefs in support of their respective motions for summary judgment to May 21, 2021. (ECF No.
14 291.)

15 13. On April 9, 2021, this Court entered an Order granting the Parties' Stipulation. (ECF
16 No. 292.)

17 14. On April 29, 2021, the Parties stipulated to extend the deadline to respond to the
18 respective motions for summary judgment to May 24, 2021, and to extend the deadline to file reply
19 briefs in support of their respective motions for summary judgment to June 14, 2021. (ECF No.
20 293.)

21 15. On April 30, 2021, this Court entered an Order granting the Parties' Stipulation. (ECF
22 No. 294.)

23 16. On May 25, 2021, the Parties stipulated to extend the deadline to respond to the
24 respective motions for summary judgment to July 28, 2021, and to extend the deadline to file reply
25 briefs in support of their respective motions for summary judgment to August 18, 2021. (ECF No.
26 297.)

27 17. On May 28, 2021, this Court entered an Order granting the Parties' Stipulation. (ECF
28 No. 298.)

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18. Unless this Court orders otherwise (e.g., by granting the Motion to Stay), the Parties have agreed that the deadline to file responses to motions for summary judgment shall be extended from July 28, 2021, to September 10, 2021, and the deadline for filing reply briefs in support of the motions for summary judgment shall be extended from September 24, 2021, to October 1, 2021.

19. This Stipulation and Order is made in good faith, with good cause, and not for purposes of unduly delaying trial.

DATED this 27th day of July 2021.

DATED this 27th day of July 2021.

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BAILEY KENNEDY

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ORDER

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

DATED: July 28, 2021